

AM0351  
LB 441  
KLB-02-09

AM0351  
LB 441  
KLB-02-09

AMENDMENTS TO LB 441

1                   1. Insert the following new section:

2                   "Section 1. Section 54-199, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4                   54-199. (1) To record a brand, a person shall forward to  
5 the Nebraska Brand Committee a facsimile or description of the  
6 brand desired to be recorded, a written application, and a  
7 recording fee established by the brand committee. Such recording  
8 fee may vary according to the number of locations and methods of  
9 brand requested but shall not be more than one hundred dollars per  
10 application.

11                   (2) For recording of visual brands, upon receipt of a  
12 facsimile of the brand, an application, and the required fee, the  
13 brand committee shall determine compliance with the following  
14 requirements:

15                   (a) The brand shall be an identification mark that is  
16 applied to the hide of a live animal by hot iron branding or by  
17 either hot iron branding or freeze branding. The brand shall be on  
18 either side of the animal in any one of three locations, the  
19 shoulder, ribs, or hip; ~~except that after September 6, 1991, no~~  
20 ~~new brand shall be recorded for the ribs of the animal on either~~  
21 ~~side. All brands recorded for the ribs on such date shall remain~~  
22 ~~valid and renewable and shall be transferable until such recorded~~  
23 ~~brand expires.~~

24                   (b) The brand is not recorded under the name of any other

AM0351  
LB 441  
KLB-02-09

AM0351  
LB 441  
KLB-02-09

1 person and does not conflict with or closely resemble a prior  
2 recorded brand;

3 (c) The brand application specifies the left or right  
4 side of the animal and the location on that side of the animal  
5 where the brand is to be placed;

6 (d) The brand is not recorded as a trade name nor as the  
7 name of any profit or nonprofit corporation, unless such trade name  
8 or corporation is of record, in current good standing, with the  
9 Secretary of State; and

10 (e) The brand is, in the judgment of the brand committee,  
11 legible, adequate, and of such a nature that the brand when applied  
12 can be properly read and identified by employees of the brand  
13 committee.

14 (3) All visual brands shall be recorded as a hot iron  
15 brand only unless a co-recording as a freeze brand or other  
16 approved method of branding is requested by the applicant. The  
17 brand committee shall approve co-recording a brand as a freeze  
18 brand unless the brand would not be distinguishable from in-herd  
19 identification applied by freeze branding.

20 (4) The brand committee may, by rule and regulation,  
21 provide for the recording and use of brands by electronic device or  
22 other nonvisual method of livestock identification. Any such  
23 method of livestock identification shall be approved as a brand  
24 only if it functions as a means of identifying ownership of  
25 livestock so branded that is equal to, or superior to, visual  
26 methods of livestock branding. Before approving any nonvisual  
27 method of branding, the brand committee shall consider the degree

AM0351  
LB 441  
KLB-02-09

AM0351  
LB 441  
KLB-02-09

1 to which such method may be susceptible to error, failure, or  
2 fraudulent alteration. Any rule or regulation shall be adopted  
3 only after public hearing conducted in compliance with the  
4 Administrative Procedure Act.

5 (5) If the facsimile, the description, or the application  
6 does not comply with the requirements of this section, the brand  
7 committee shall not record such brand as requested but shall return  
8 the recording fee to the forwarding person. The power of  
9 examination and rejection is vested in the brand committee, and if  
10 the brand committee determines that the application for a visual  
11 brand falls within the category set out in subdivision (2)(e) of  
12 this section, it shall decide whether or not a recorded brand shall  
13 be issued. The brand committee shall make such examination as  
14 promptly as possible. If the brand is recorded, the ownership  
15 vests from the date of filing of the application.".

16 2. On page 3, line 2, strike "section" and insert  
17 "sections 54-199 and"; and in line 3 strike "is" and insert "are".

18 3. Renumber the remaining sections accordingly.